

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JENNIFER FORSHEY,

Plaintiff,

v.

SOUND ORAL AND MAXILLOFACIAL  
SURGERY PS, et al.,

Defendants.

CASE NO. C06-5335RJB

ORDER GRANTING PLAINTIFF'S  
MOTION TO QUASH SUBPOENAS . . .  
AND FOR A PROTECTIVE ORDER  
PREVENTING DISCOVERY . . . .

This matter comes before the court on the above referenced motion (Dkt. 9). It appears that the defendant got the cart before the horse and started discovery before the parties had completed their FRCP 26 conference and before completion of the discovery plan as ordered by the court's Minute Order Regarding Initial Disclosures, Joint Status Report and Early Settlement (Dkt. 3).

Accordingly, plaintiff's motion should be GRANTED, outstanding discovery should be quashed, and the court should order that discovery be held in abeyance until the FRCP 26 conference is completed and the discovery plan is adopted.

The court is concerned with the tone of the pleadings filed in support of and in opposition to this motion and the apparent inability of counsel to solve simple discovery matters. A discovery motion is not an offer of a forum to address the merits of the case, and if counsel is unable to

1 schedule and complete appropriate conferences in a civil and professional manner, they will end up  
2 doing these simple tasks in the presence of the court.


3 Based on the pleadings of the parties, the court sees no justification for terms to either side;  
4 indeed, this entire issue should have been resolved by calm discussion between counsel without the  
5 involvement of the court.

6 Counsel are further urged to use the conference call procedure set out in the court's Minute  
7 Order Regarding Discovery and Depositions (Dkt. 2).

8 IT IS SO ORDERED.

9 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of  
10 record and to any party appearing *pro se* at said party's last known address.

11 DATED this 19<sup>th</sup> day of July, 2006.

12   
13 Robert J. Bryan  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26